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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,840

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Takayuki Yajima

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12/16/2008

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EXAMINER

SABOURI, MAZDA

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/695,840

**Applicant(s)**

YAJIMA, TAKAYUKI

**Examiner**

MAZDA SABOURI

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground (s) of rejection

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-11 and 13-16** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 6445932 (Soini et al.).
4. **As to claim 1**, Mizuta teaches a portable terminal unit (500, fig 4a) comprising:
  - A first housing (100, fig 4a) having at least a main operation section (102, fig 4a);
  - A second housing (200, figs 4a) having at least a single, main display section (202, fig 4a) displaying screens according to the operation of the main operation section (see paragraphs 76 and 96);
  - Wherein both of said housings are coupled together to move between an open state and a closed state so that said main operation section is covered with said second housing in the closed state and is exposed outside in the opened state, and said main display section is exposed outside in both of the closed state and the opened state (see figures 9b-9d),

- An auxiliary operation section (207, fig 4a) comprising at least one key provided on a surface other than surfaces, which are opposed to each other of said both housings in the closed state including other than said main display section,
- Wherein the auxiliary operation section is used to at least navigate and view information displayed on the main display section in the closed state (see paragraphs 125 and 142).

5. What is lacking is "wherein said auxiliary operation section is inoperative at least in the opened state but operative only in the closed state". Mizuta teaches that the auxiliary operation section is to be used in the opened state (see paragraph 125 and 142) but fails to teach deactivating the auxiliary operation section in the closed state and activating it in the opened state.

6. In a similar field of endeavor, Soini teaches a portable terminal unit (1, fig 1) that comprises a main operation section (22, fig 2) and an auxiliary operation section (12, fig 1). Soini teaches that the auxiliary operation section is inoperative in the opened state (mobile station is unfolded) when it is not being used but operative in the closed state (mobile station is folded) when it is being used (see Soini, claims 11 and 13).

7. The teachings of Soini help to ensure efficient use of the portable terminal's battery power, by deactivating operation sections when they are not being used. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Soini into those of Mizuta, for the reasons mentioned above.

8. **As to claim 7**, Ozaki teaches a portable terminal unit (500, fig 4a) comprising:
- A first housing (100, fig 4a) having at least a main operation section (102, fig 4a);
  - A second housing (200, figs 4a) subjected to be superimposed on said first housing so as to cover said main operation section (see figs 9b-9d);
  - A single, main display section (202, fig 4a) displaying screens according to the operation of said main operation section and provided on one of said first housing and said second housing (see paragraphs 76 and 96);
  - A coupling section (300, fig 4a) for rotatably coupling both of said housings that relatively rotate around an axis extending in a superimposed direction of said two housings (see figs 9b-9d);
  - An auxiliary operation section (207, fig 4a) comprising at least one key provided on a surface other than surfaces, which are opposed to each other, of said both housings in the closed state including other than said display section;
  - Wherein the both of said housings relatively rotate 180° from the closed state (see figures 9b-9d).
9. What is lacking is "wherein said auxiliary operation section is inoperative at least in the opened state but operative only in the closed state". Mizuta teaches that the auxiliary operation section is to be used in the opened state (see paragraph 125 and

142) but fails to teach deactivating the auxiliary operation section in the closed state and activating it in the opened state.

10. In a similar field of endeavor, Soini teaches a portable terminal unit (1, fig 1) that comprises a main operation section (22, fig 2) and an auxiliary operation section (12, fig 1). Soini teaches that the auxiliary operation section is inoperative in the opened state (mobile station is unfolded) when it is not being used but operative in the closed state (mobile station is folded) when it is being used (see Soini, claims 11 and 13).

11. The teachings of Soini help to ensure efficient use of the portable terminal's battery power, by deactivating operation sections when they are not being used. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Soini into those of Mizuta, for the reasons mentioned above.

12. **As to claim 15**, Mizuta teaches a portable terminal comprising:

- A first housing (200, fig 4a) having a main display section (202, fig 4a);
- A second housing (100, fig 4a) coupled to the first housing and having main keys (102, fig 4a) for the main display section (see paragraphs 76 and 96);
- An auxiliary section (207, fig 4a) for the main display section (see paragraphs 125 and 142);
- Wherein the first housing is movable relative to the second housing between a closed a position, in which the main keys are covered by the first housing, and an opened position, in which the main keys are exposed to an outside (see figures 9b-9d);

- Wherein in the opened position the main display section and the auxiliary section for the main display section are both exposed to the outside, and in the closed position the main display section and the auxiliary section for the main display section are both exposed to the outside (see figures 9b-9d);
- And wherein when the first housing is moved from the closed position to the opened position, the main display section is kept active (see paragraphs 113).

13. What is lacking is "while the auxiliary section for the main display section is switched from the active to inactive" in the opened state. Mizuta teaches that the auxiliary section is to be used in the opened state (see paragraph 125 and 142) but fails to teach deactivating the auxiliary operation section in the closed state.

14. In a similar field of endeavor, Soini teaches a portable terminal unit (1, fig 1) that comprises a main operation section (22, fig 2) and an auxiliary section (12, fig 1). Soini teaches that the auxiliary section is inoperative in the opened state (mobile station is unfolded) when it is not being used but operative in the closed state (mobile station is folded) when it is being used (see Soini, claims 11 and 13).

15. The teachings of Soini help to ensure efficient use of the portable terminal's battery power, by deactivating operation sections when they are not being used. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Soini into those of Mizuta, for the reasons mentioned above.

16. **As to claims 2 and 8**, Soini further teaches a state detecting section (mobile station has means for determining what state, folded or unfolded, the mobile station is in) and a lock control section (user interfaces are activated or switched off based on the state of the mobile terminal) (see Soini, claims 11 and 13).

17. **As to claims 3 and 9**, Soini further teaches that the auxiliary operation section is operative when both housings (10,20, fig 1) of the portable terminal unit are in the closed state (folded) and inoperative when both housings are in other states than the closed state (unfolded) (see Soini, claims 11 and 13).

18. **As to claims 4 and 10**, Soini further teaches that the auxiliary operation section is inoperative when both housings (10,20, fig 1) of the portable terminal unit are in the opened state (unfolded) and operative when both housing are in other states than the opened state (folded).

19. **As to claims 5 and 13**, Mizuta further teaches that the device is a mobile radiotelephone (see paragraph 160).

20. **As to claims 6 and 14**, Mizuta further teaches that the device is a personal digital assistant (see paragraph 160).

21. **As to claim 11**, Mizuta further teaches that the second housing has a display section faced in the same direction as the direction of the surface having the main operation section (see figures 9b-9d).

22. **As to claim 16**, Mizuta further teaches that the main display section is a single display unit (see figure 4a).



23. **Claim 12** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 6445932 (Soini) as applied to claim 7 above, and further in view of US 6094565 (Alberth et al.) and further in view of US 5493690 (Shimazaki).

24. **As to claim 12**, what is lacking is the auxiliary operation section having a first key of a side surface of the first housing and a second key on the side surface of the second housing. Mizuta teaches having the auxiliary keys on the surface having the main display (see figure 4a), but fails to utilize the side surfaces for auxiliary keys.

25. In a similar field of endeavor, Alberth teaches auxiliary keys located on a side surface of a first housing (housing having the main operation section) (see Alberth, column 3, lines 46-62). Shimazaki teaches auxiliary keys located on a side surface of a second housing (housing having the display) (see Shimazaki, figures 1 and 2).

26. It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Alberth and Shimazaki into those of Ozaki in view of Soini, so that additional auxiliary keys could be provided to the user of the portable terminal unit.

### ***Conclusion***

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAZDA SABOURI whose telephone number is (571)272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached at 571-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

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